

and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

**NEW SECTION.** Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The proceeds from any sale of school district real property by a board of directors shall be used solely for the purposes of school district bond retirement, real property improvements, and the equipping or furnishing of school district buildings or grounds.

**NEW SECTION.** Sec. 3. Section 4, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.046 are each repealed.

Passed the Senate June 9, 1975.

Passed the House June 9, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

---

## CHAPTER 244

[Engrossed Senate Bill No. 2613]

### COURTS OF LIMITED JURISDICTION— DEFERRED PROSECUTION PROGRAM

AN ACT Relating to criminal procedure; and adding a new chapter to Title 10 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. Upon arraignment in a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program.

**NEW SECTION.** Sec. 2. The petition shall allege that the wrongful conduct charged is the result of or caused by alcohol problems, drug problems, or mental problems for which the person is in need of treatment and unless treated the probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis of the alleged problem or problems if financially able to do so. The petition shall also contain a case history of the person supporting the allegations.

**NEW SECTION.** Sec. 3. The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved alcoholism treatment facility as designated in chapter 70.96A RCW, if the petition alleges an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem, or to an approved mental health center, if the petition alleges a mental problem.

**NEW SECTION.** Sec. 4. The facility or center to which such person is referred shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem alleged;
- (2) Whether the problem is such that if not treated there is a probability that similar misconduct will occur in the future;

- (3) Whether extensive and long term treatment is required; and
- (4) Whether effective treatment for the person's problem is available.

NEW SECTION. Sec. 5. The facility or center shall make a written report to the court stating its findings and recommendations after the investigation and examination required by section 4 of this act. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (1) The type;
- (2) Nature;
- (3) Length;
- (4) A treatment time schedule; and
- (5) Approximate cost of the treatment.

The report with the treatment plan shall be filed with the court and a copy given to the defendant and defendant's counsel.

NEW SECTION. Sec. 6. If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the defendant agrees to comply with its terms and conditions and agrees to pay the cost thereof or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract is required to be sent to the department of motor vehicles, an abstract of the docket showing the charge and the date of defendant's acceptance for deferred prosecution shall be sent to the department of motor vehicles, which shall make an entry of the charge and of the defendant's acceptance for deferred prosecution on the department's driving record of the defendant.

NEW SECTION. Sec. 7. When treatment is either not recommended or not approved by the judge, or the defendant declines to accept the treatment plan, the defendant shall be arraigned on the charge.

NEW SECTION. Sec. 8. Evidence pertaining to or resulting from the petition and/or investigation is inadmissible in any trial on the charges, but shall be available for use after a conviction in determining a sentence.

NEW SECTION. Sec. 9. If a defendant, who has been accepted for deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the defendant's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such breach to the court. The court upon receiving such a report shall hold a hearing to determine whether the defendant should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the defendant's alleged failure to comply with the treatment plan and the defendant shall have the right to present evidence on his or her own behalf. The court shall either order that the defendant continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the defendant's docket shall be returned to the regular court files and the defendant shall be arraigned on the original charge.

NEW SECTION. Sec. 10. If a defendant is convicted in any court of an offense similar and committed subsequent to the one for which the defendant is in a deferred prosecution program, the court in which the defendant is under deferred

prosecution shall upon notice of conviction in another court remove the defendant's docket from the deferred prosecution file and require the defendant to enter a plea to the original charge.

NEW SECTION. Sec. 11. Delay in bringing a case to trial caused by a defendant requesting deferred prosecution as provided for in this chapter shall not be grounds for dismissal.

NEW SECTION. Sec. 12. Two years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

NEW SECTION. Sec. 13. Funds shall be appropriated from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any program of treatment.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 10 RCW.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

---

## CHAPTER 245

[Engrossed Senate Bill No. 2670]

### ALCOHOLIC BEVERAGE CONTROL— INTERSTATE PASSENGER CARRIERS

AN ACT Relating to liquor licenses and taxes; amending section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420; adding a new section to chapter 66.24 RCW; and repealing section 23L added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.390.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.